

FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329 (916) 322-5660 • Fax (916) 322-0886

August 11, 2009

Ms. Kinde Durkee Voter Education Guide 1212 S. Victory Blvd. Burbank, CA 91502

Re:

Warning Letter

FPPC Case No. 04/686, Voter Education Group (SOS No. 1262785) and Kinde

Durkee

Dear Ms. Durkee:

As you are aware, the Fair Political Practices Commission ("FPPC") enforces the provisions of the Political Reform Act (the Act)¹ found in Government Code section 81000, and following. The Enforcement Division received a complaint alleging that you and Voter Education Group ("VEG") failed to timely file electronic semi-annual campaign statements, as required under the Act in connection with a March 2004 election in San Diego. The complaint further alleged that slate mailer sent by you and VEG on or about March 1, 2004, lists a number of "paying candidates" – those candidates identified with an asterisk – without having received authorization from the candidates. The discussion below addresses each allegation.

This letter is submitted to you in your capacity as VEG's former treasurer and on behalf of VEG, which has terminated its status as a slate mailer organization.

Online/Electronic Filing Requirements. Under the Act, slate mailer organizations with cumulative reportable payments received or made for the purposes of producing slate mailers of \$50,000 or more must file online or electronically with the Secretary of State. (Section 84605, subd. (c).) It appears that VEG met the \$50,000 threshold at least by February 24, 2004. Notwithstanding the filing obligations, you and VEG failed to file semi-annual campaign statements electronically or online by the required due dates for each of the following reporting periods: (1) January 1, 2004, through June 30, 2004; (2) July 1, 2004, through December 31, 2004; and (3) January 1, 2005, through June 30, 2005. We have decided to address this matter by issuing this warning letter. This determination is based, in part, on the fact that promptly after

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

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receiving notice from the Enforcement Division, you and VEG filed the semi-annual campaign statements electronically.

Slate Mailer Disclosure Requirements. Under the Act, a slate mailer organization may not send a slate mailer unless several criteria are satisfied. (Section 84305.5.) Included among the criteria is the requirement that each candidate and each ballot measure that has paid to appear in the slate mailer is designated by an asterisk (*). (Section 84305.5, subd. (a)(4).) Any candidate or ballot measure that has not paid to appear in the slate mailer is not designated by an asterisk. (Ibid.) Because the asterisk requirement took effect after you and VEG sent the subject slate mailers, we will not pursue enforcement action regarding this alleged violation.

As discussed above, we have decided to close this case with a warning letter. Failure to comply with the provisions of the Act in the future may result in an enforcement action against you and VEG, including monetary penalties of up to \$5,000 for each violation. The information in this matter will be retained and may be considered should an enforcement action become necessary based on future conduct or newly discovered information.

The FPPC publishes forms and manuals to facilitate compliance with the provisions of the Act. If you need forms or manuals, or guidance regarding your obligations, please call the FPPC's Technical Assistance Division at 1-866-275-3772. Please also visit our website at www.fppc.ca.gov.

If you have questions regarding this matter, please contact us at (916) 322-5660.

Sincerely,

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Enforcement Division